

ORIGINAL

PETER C. WOLFF, JR. #2332
Federal Public Defender
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 08 2003

at 3 o'clock and 10 min. PM.
WALTER A. Y. H. CHINN, CLERK

PAMELA J. BYRNE #1979
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Attorney for Defendant
DOUGLAS RYCHENER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	) CR. NO. 03-00225 DAE
)
Plaintiff,	) NOTICE OF MOTION; MOTION TO
	) SUPPRESS EVIDENCE;
vs.	) MEMORANDUM OF LAW;
	) EXHIBITS A - G; DECLARATION OF
DOUGLAS RYCHENER,	) COUNSEL; CERTIFICATE OF
	) SERVICE
Defendant.)
	) DATE: September 24, 2003
	) TIME: 9:00 a.m.
	) JUDGE: Chief David A. Ezra

NOTICE OF MOTION

TO: EDWARD H. KUBO
United States Attorney

WES REBER PORTER
Assistant United States Attorney
PJKK Federal Building
300 Ala Moana Boulevard, Room 6100
Honolulu, Hawaii 96813

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PLEASE TAKE NOTICE that the following motion will be heard before
the Honorable ^{10/6/9} ~~David A.~~ Ezra, in his courtroom in the United States Courthouse, 300 Ala
Moana Boulevard, Honolulu, Hawaii, on September 24, 2003, at 9:00 a.m., or as soon as
counsel may be heard.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00225 DAE
)	
Plaintiff,	)	MOTION TO SUPPRESS EVIDENCE
)	
vs.)	
)	
DOUGLAS RYCHENER,)	
)	
Defendant.)	
_____)	

MOTION TO SUPPRESS EVIDENCE

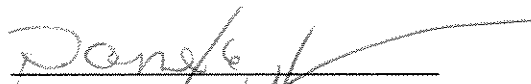
COMES NOW the defendant, Douglas Rychener, through counsel, Pamela J. Byrne, Assistant Federal Defender, and moves this Honorable Court to enter an order suppressing as evidence all items unlawfully seized by the Hawaii County Police Department from his home on April 23, 2003. In addition, Rychener moves to suppress

all evidence obtained from his backpack which was within the residence and searched without warrant.

Douglas Rychener also moves this Honorable Court to grant a hearing pursuant to the dictates of Franks v. Delaware, 438 U.S. 154 (1978), in order to challenge the validity of the search warrant upon his home. Upon completion of said hearing, Rychener respectfully moves this Court to find the warrant invalid and to suppress all evidence seized as a result of the search warrant.

This motion is made pursuant to the Fourth and Fifth Amendments to the United States Constitution, rule 12(b)(3) of the Fourth and Fifth Amendments to the United States Constitution, Franks v. Delaware, 438 U.S. 154 (1978), the attached memorandum and declaration of counsel, the attached declarations of Charles Rychener, Janet Rychener, and Madeline Rychener, the records and files in this case, and such further evidence and argument as may be adduced at a hearing on this motion.

DATED: Honolulu, Hawaii, August 8, 2003.


PAMELA J. BYRNE
Attorney for Defendant
DOUGLAS RYCHENER